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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**EUGENE DIVISION**

**UNITED STATES OF AMERICA,**  
  
**Plaintiff,**  
  
**v.**  
  
**PIROUZ SEDAGHATY,**  
  
**Defendant.**

**CR 05-60008 HO**

**COMPARISON GUIDE FOR  
REVIEW OF GOVERNMENT'S  
OBJECTIONS TO DEFENDANT'S  
PROPOSED TRIAL EXHIBITS**

Defendant, Pirouz Sedaghaty, by and through his attorneys, Lawrence Matasar and Federal Public Defender Steven T. Wax, hereby submits

## Comparison Guide for Review of Government's Objections to Defendant's Proposed Trial Exhibits.

On August 20, 2010, the Government filed a motion in limine, which it entitled "Government's Response to Defendant Sedaghaty's Proposed Trial Exhibits," objecting to approximately three hundred (300) proposed defense exhibits. CR 421-1. This pleading followed the Court's ruling on the motion in limine the government had previously filed. CR 407. The government's objections in CR 421-1 should be denied for the reasons submitted in the previously filed motions in limine and responses, the reasons articulated by the defense in its memorandum filed on August 20, 2010, CR 420, and for the reasons set forth below. In sum, the government's position with respect to Mr. Sedaghaty's exhibits is inconsistent, both in comparing what it has proffered versus its objections to the exhibits Mr. Sedaghaty has proffered and comparing exhibits proffered by Mr. Sedaghaty to which it has objected and those to which it has not. This reflects a lack of a sound analytic basis for excluding Mr. Sedaghaty's proffered exhibits. The following section illustrates just a few examples of the government's inconsistencies.

### **I. Inconsistencies Within Defense Exhibits**

#### **Emails To Or From Ashland And Saudi Arabia**

– No Government Objection to

- Exhibit 606, email from Mr. Sedaghaty to Mr. Al Buthe dated January 1, 2000, discussing tax status.

- Exhibit 674, email from Mr. Sedaghaty to Mr. Al Buthe dated February 24, 2000, regarding the El Fiki donation.
- Exhibit 759, email from Mr. Al Buthe to Mr. Sedaghaty dated February 26, 2000, discussing the El Fiki and ISNA donations.
- Exhibit 760, email from Mr. Al Shoumar to Mr. Sedaghaty dated March 6, 2000, discussing the six-month budget.

– Government Objects to

- Exhibit 683, email from Mr. Sedaghaty to Mr. Al Buthe dated December 30, 1999, discussing Chechnya.
- Exhibits 683B, 683C, 683D, 686, and 689, emails between the two men, also discussing Chechnya.

**Abdul-Qaadir Abdul-Khaaliq Exhibits**

The government position is also internally inconsistent with respect to exhibits involving Mr. Abdul-Qaadir Abdul-Khaaliq. They have offered many such exhibits.

– No Government Objection to

- Exhibits 681 and 685, emails from Mr. Abdul-Qaadir Abdul-Khaaliq regarding availability of news of Chechnya and of the ability to help Chechens.

– Government Objects to

- Exhibit 680A, an email Mr. Abdul-Qaadir Abdul-Khaaliq wrote on the situation in Kosovo in the Spring of 1999.

**Listserv**

– No Government Objection to

- Exhibit 690, a listserv email sent out by Mr. Abdul-Qaadir Abdul-Khaaliq on February 3, 2000, regarding conditions in Chechnya.

– Government Objects to

- Exhibit 689A, an email from another listserv, info@irw, January 27, 2000, also on Chechnya.

## **II. Inconsistencies Between Government and Defense Exhibits**

### **Video**

– Government Proffers

- EK-7, videos downloaded from the internet by Evan Kohlmann.
- SW-1, two videos found at the search.

– Government Objects to

- Exhibit 1002B, defense video, clips of videos found at the search.

### **Mr. Al Buthe / Mr. Sedaghaty Emails**

– Government Proffers

- SW-11, an email between the two men discussing Chechen aid written on January 22, 2000.

– Government Objects to

- Exhibits 683, 683B, and 683C, emails between the two men written on December 31, 1999, and January 1, 2000, discussing Chechen aid
- Exhibits 686 and 686A, emails between the two men on January 6, 2000, on the same subject.

### **Listserv**

– Government Proffers

- SW-8, Abdul-Qadir listserv email with photos of the Russian-Chechen war dated January 14, 2000.

- SW-9, email from Sunnah dated January 16, 2000, involving translations.
- SW-12, Abdul-Qaadir listserv email dated January 24, 2000, regarding fighting in Chechnya.
- SW-13, Abdul-Qaadir listserv email dated January 24, 2000, regarding facilitating news from the Chechen Mujahideen website.
- SW-14, Abdul-Qaadir listserv email dated January 24, 2000, forwarding an interview of a mujahideen commander.
- SW-16, Abdul-Qaadir listserv email dated February 5, 2000, forwarding a series of photos of the Russian-Chechen war.
- SW18, email from P to Azzam dated February 12, 2000, forwarding a CNN article regarding Russia.

– Government Objects to

- Exhibit 682, listserv email from Islamic Relief Worldwide dated December 28, 1999, regarding news of the Russian-Chechen war.
- Exhibit 686B, listserv email from Islamic Relief Worldwide dated January 7, 2000, forwarding Eid greetings, asking people to remember those in Chechnya.
- Exhibit 686C, listserv email from Islamic Relief Worldwide dated January 12, 2000, forwarding news of the Chechen refugees.
- Exhibit 692A, an email from Q to Sunnah dated February 13, 2000, with a different series of photos of the Russian-Chechen war attached.
- Exhibit 701A, a Canadian Islamic Congress listserv email on Chechnya.

### **Politics of the Russian-Chechen War**

– Government Proffers

- Evan Kohlmann will testify extensively about the politics of the Russian-Chechen war. It is, as the government sees it, an integral part of their case.

– Government Objects to

- Exhibits 628 through 654. These discuss the world view of the Chechen conflict. Because the government will be portraying the view of Mr. Sedaghaty as extreme and outside the mainstream, it is necessary for Mr. Sedaghaty to be able to counter that.

### **Kosovo v. Palestine**

– Government Proffers

- BOA-15 and BOA-16, to show the transmission of money by Mr. Sedaghaty to Kosovo in the Spring of 1999. They will argue from that an inference that he was funding mujahideen.

– Government Objects to

- Exhibits 866 through 890, evidence of Mr. Sedaghaty's Palestinian trip, which occurred at no greater distance in time than the Kosovo donation.
- Exhibits 906 and 907, evidence of Mr. Sedaghaty's support of Somali refugees in February 2000.
- Exhibit 908B, evidence of Mr. Sedaghaty's efforts to provide humanitarian aid to Afghani refugees in Iran in October 2001.
- Exhibit 910, evidence of Mr. Sedaghaty's efforts to provide aid to the hungry in Tajikistan in October 2000.
- Exhibit 911, email regarding Mr. Sedaghaty's charitable efforts with respect to refugees of Afghanistan.

**Raya Shokatford**

– Government Proffers

- BC-1 to show that Raya Shokatford gathered money to send to Chechnya in 2000.

– Government Objects to

- Exhibit 801, email sent by Mr. Sedaghaty to Ms. Shokatford on the very same subject in April of 2000.

In sum, the defense understanding of the Court's ruling of August 11 was that, given the government position and evidentiary proffers, the defense would be permitted to present its case through the exhibits it had proffered. We respectfully submit that the Court should adhere to that ruling and that the inconsistency in the government proffers underscores the correctness of the position the Court had taken.

RESPECTFULLY SUBMITTED on August 25, 2010.

/s/ Steven T. Wax

Steven T. Wax

Federal Public Defender

/s/ Lawrence H. Matasar

Lawrence H. Matasar